Examiner's Amendment

1.   An examiner's amendment to the record appears below. Should the changes and/or

additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR

1.312. To ensure consideration of such an amendment, it MUST be submitted no lather than the

payment of the issue fee.

2.   Authorization for this examiner's amendment was given in a telephone interview with

Mr. John P. Wagner (Registration number: 35,398) on 04/27/2009.

A.   Amend the following claims:

1. (Currently Amended) A computer implemented method for enhancing performance of

a computer system, comprising:

        electronically deriving <u>on the computer</u> relationships over time between

monitored system variables and monitored performance of said computer system;

        automatically generating a number of rules based on said derived relationships,

wherein said number of rules are generated without requiring human interaction; and

        adjusting at least one of said <u>monitored</u> system variables based on said generated

number of rules to enhance the performance of said computer system[[.]]<u>,</u>

        <u>wherein said generating said number of rules is based at least in part on a</u>

<u>performance goal,</u>

        <u>wherein said deriving said relationships, said generating said number of rules, and said</u>

<u>adjusting said at least one of said monitored system variables, are iterative;</u>

acquiring data for said monitored system variables and the monitored

performance of said computer system, wherein said acquired data is used for deriving

said relationships, wherein the relationships are derived based on an analysis of the

acquired data,

 wherein acquiring said data comprises:

gathering said data over time; and

 logging said gathered data, wherein said relationships are derived based on said

logged data,

wherein said gathering said data is at discrete points in time.

2. (Canceled)

3. (Currently Amended) A The computer implemented method as in of claim 1, wherein

said generating said number of rules is based at least in part on current values of said

monitored system variables, and wherein said number of rules recommend incremental

changes to said monitored system variables.

4. (Canceled)

5. (Canceled)

6. (Canceled)

7. (Canceled)

8. (Currently Amended) A The computer implemented method as in of claim 1, wherein

said gathering said data is in response to an event on said computer system.

9. (Currently Amended) A The computer implemented method as in of claim 1,

wherein said acquiring said data comprises acquiring at least one of the following types

of data: configuration data, workload data, and performance metric data.

10. (Currently Amended) ~~A~~ The computer implemented method ~~as in~~ of claim 1,

further comprising identifying ~~a number of~~ applications on said computer system having

variables that affect the performance of said computer system.

11. (Currently Amended) ~~A~~ The computer implemented method ~~as in~~ of claim 1, further

comprising identifying ~~a number of~~ subsystem components on said computer system

having variables that affect the performance of said computer system.

12.(Canceled).

13. (Canceled).

14. (Canceled).

15.(Canceled).

16.(Canceled).

17.(Canceled).

18.(Canceled).

19.(Canceled).

20.(Canceled).

21. (Canceled).

22. (Canceled).

23. (Canceled).

24. (Canceled).

25. (Canceled).

26. (Canceled).

B.   The following is an examiner's statement of reasons for allowance:

As to claim 1, the prior art as taught by Dumarot et al (US. Patent 6,059,842),

Clare et al (US. Patent 6, 342,985) and Miller (US 5,446,653 A) do not teach on render

obvious the limitations recited in claim 1, when taken in the context of the claims as a

whole, automatically generating a number of rules based on electronic derived

relationships overtime, wherein said number of rules are generated without requiring

human interaction; wherein said generating said number of rules is based at least in part

on a performance goal; wherein said deriving said relationships, said generating said

number of rules, and said adjusting said at least one system variable, are iterative; the

acquiring data for system variables and the performance of computer for deriving

relationships, wherein acquiring said data comprises: gathering said data over time; and

logging said gathered data, wherein said relationships are derived based on said logged

data, wherein said gathering said data is at discrete points in time as recited in the

independent claim 1. Moreover, evidence for modifying the prior art teachings by one of

ordinary skill level in the art was not uncovered so as to result in the invention as recited

in claim 1.

Any comments considered necessary by applicant must be submitted no later than

the payment of the issue fee and, to avoid processing delays, should preferably

accompany the issue fee. Such submissions should be clearly labeled "Comments on

Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (571) 272-3767. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sough Hyung can be reached on (571) 272-6799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR of Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

/LeChi Truong/

Examiner, Art Unit 2194

LeChi Truong

June 25, 2009